

## UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America  
v.

Elhanan Pittman

Case No. 1:23-mj-504

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Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 8, 2023 in the county of Hamilton in the  
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1)

Felon in Possession;

18 U.S.C. 922(o)

Possession of a machinegun.

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.*Elena Schmitt*

Complainant's signature

SA Elena K. Schmitt, ATF

Printed name and title

Sworn to before me and signed in my presence.

via FaceTime video

Date: Jun 15, 2023City and state: Cincinnati, Ohio*Karen L. Litkovitz*  
Karen L. Litkovitz  
United States Magistrate Judge

**AFFIDAVIT IN SUPPORT OF COMPLAINT**

1. This affidavit is submitted in support of an application for a United States Court Criminal Complaint and Arrest Warrant from the United States District Court for the Southern District of Ohio.
2. I, Elena K Schmitt, am a Special Agent in the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been so employed since July of 2022. As a part of my training with the ATF, I graduated from the Federal Law Enforcement Training Center, Criminal Investigator School, located in Glynco, Georgia. I graduated from the ATF Special Agent Basic Training Academy, located in Glynco, Georgia, in January of 2023. Prior to my employment with ATF, I was a member Great American Insurance Group in Cincinnati, Ohio, where I served as a member of the Corporate Security Team. I was employed in that capacity from April 2021 to June 2022. I was also a member of New Path Child and Family Solutions formerly known as “St. Joseph Orphanage” as a seasonal developmental associate from October 2020 to July 2021. I am a graduate of the University of Cincinnati where I received a bachelor’s degree in criminal justice in 2021.
3. The information contained in this affidavit is based on my personal knowledge and on information received from other law enforcement officers.
4. On June 8, 2023, Wyoming Police Officer (PO) Kenneth Roberts attempted to perform a traffic stop on a black Ford Explorer bearing Ohio plate number: KAT2483 in the area of Wyoming Avenue and Springfield Pike, in Wyoming, OH. I know that Wyoming, OH is located within the Southern District of Ohio. PO Roberts observed the vehicle had heavily tinted windows, and a query of the vehicle registration indicated the owner of the vehicle had a suspended driver’s license.
5. As PO Roberts initiated the traffic stop, the vehicle continued at a low rate of speed. The vehicle turned southbound onto Burns Avenue. As the vehicle made the turn, the front seat passenger exited the vehicle and began to flee on foot. That subject later identified as Elhanan PITTMAN, was observed by PO Roberts exiting the vehicle with a black backpack in his arms in front of his body.
6. Responding police officers, to include PO Roberts, initiated a foot pursuit after PITTMAN. PITTMAN was located and taken into custody in the rear of Wyoming Middle School, located at 129 Wyoming Avenue, Wyoming, Ohio. PITTMAN was arrested approximately 100 yards from the attempted traffic stop.
7. When the police officers, including PO Roberts, took PITTMAN into custody, he was no longer in possession of the black backpack observed by PO Roberts. Golf Manor Police Department Lieutenant Michael Forrest and his K9 partner were requested to respond and conduct an article search. Lt. Forrest’s K9 partner Chief

is trained and certified in criminal apprehension, canine control, canine searches, tracking, article search, marijuana, cocaine, heroin, methamphetamines, and their derivatives. The K9 request was done in regard to the proximity of the Middle School and playground and the unknown contents of the black backpack. Lt. Forrest and his K9 located the black backpack in the shrub line at the rear of 129 Wyoming Avenue. The recovery location is approximately 10-15 ft. from where PITTMAN was arrested.

8. The Officers retrieved the black backpack. The contents of the bag were as followed.
  - a. A Glock manufactured, Model 17, 9mm caliber pistol bearing the serial number AAMC928.
  - b. A Glock manufactured, Model 27, .40 caliber pistol bearing the serial number YVM712 with a magazine capable of holding 22 rounds and a metal component attached to the rear of the firearm.
  - c. Digital scale containing a leafy green substance residue.
  - d. Misc. clothes
9. On June 9<sup>th</sup>, 2023, Detective Patrick Sublet with Wyoming Police Department, queried the recovered firearms in NCIC to determine if either of the firearms had been reported stolen. Det. Sublet determined the Glock manufactured, Model 17, 9mm caliber pistol bearing serial number AAMC928 had been reported stolen from Ross Township in Butler County, Ohio. The other firearm had not been reported stolen.
10. On June 9<sup>th</sup>, 2023, Det. Sublet and Cincinnati Police Officer Christopher Vogelpohl examined the Glock manufactured, Model 27, .40 caliber pistol bearing serial number YVM712. A component was attached to the slide of the firearm that readily converts the firearm to expel more than one round of ammunition with a single trigger pull. I know from my training and experience that the addition of these components alters the firearm to function as a machine gun. I know from training and experience these conversion devices are commonly referred to as "switches."
11. On June 12<sup>th</sup>, 2023, I reviewed recorded jail calls made by PITTMAN from Hamilton County Justice Center since June 8, 2023. PITTMAN made the following statements during these recorded telephone calls:
  - a. On June 8<sup>th</sup>, 2023, PITTMAN said to the female, "that he told his friend to driver closer to a wooded area and that they found the guns and stuff but that was it. PITTMAN also stated he hopes this stays on the state side."
  - b. On June 8<sup>th</sup>, 2023, PITTMAN said to another female, "that he got caught with guns. He got caught with the whole thing but no dope. PITTMAN stated he could not fight it because it would only get worse." PITTMAN

later called the same female stating, “he does not want the feds to pick up the switch case and that there was a switch on one of the firearms. PITTMAN states that, “if the state charges him the feds can’t pick it up.”

- c. On June 9<sup>th</sup>, 2023, PITTMAN states that “as soon as he gets out, he and the female are leaving, and he will start all over and get a job.” PITTMAN also said, “that he was caught with a Glock switch and is asking his lawyer to get him a plea deal for 18 months in jail quick, so it does not get picked up by the feds.” PITTMAN called the same female later stating, “he should have taken the gun(s) out of the bag, so they found an empty bag.”
12. On June 13<sup>th</sup>, 2023, ATF Industry Operations Investigator Andrew Beech queried the ATF National Firearms Registration and Transfer Record (NFRTR) to determine if PITTMAN has lawful registration of any National Firearm Act regulated items. The query of the NFRTR was negative.
  13. On June 14<sup>th</sup>, 2023, ATF Special Agent Brandon Stahlhut, a certified nexus expert, examined the recovered firearms. SA Stahlhut determine the Glock manufactured, Model 17 and the Glock manufacture, Model 27 were both manufactured outside the State of Ohio.
  14. On June 13<sup>th</sup>, 2023, I received certified copies of conviction records for PITTMAN. PITTMAN has been convicted of the following offenses:
    - a. State of Ohio, Hamilton County Court of Common Plea. Case No. B1304369, Indictment, Change of Plea, and Judgment Entry for Ct. 1 Felonious Assault with Spec #1 (F-2), and Ct. 5 Having Weapons While Under Disability (F-3), dated February 11<sup>th</sup>, 2014.
    - b. State of Ohio, Hamilton County Court of Common Plea. Case No. B1902029, Indictment, Change of Plea, and Judgment Entry for Ct. 1 Having Weapons While Under Disability (F-3), dated June 3<sup>rd</sup>, 2019.
    - c. State of Ohio, Hamilton County Court of Common Plea. Case No. B1902812, Indictment, Change of Plea, and Judgment Entry for Aggravated Robbery with Spec #1 (F-1), dated July 11<sup>th</sup>, 2019.

15. Based on the above facts and circumstances, your affiant believes that Elhanan PITTMAN did unlawfully possess a firearm as a previously convicted felon in violation of Title 18 United States Code § 922(g)(1). Your affiant believes that Elhanan PITTMAN did unlawfully possess a machine gun in violation of Title 18 United States Code § 922(o).

Respectfully submitted,

*Elena Schmitt*

Elena K. Schmitt  
Special Agent, ATF  
Cincinnati, OH

Subscribed and sworn to me this 15 day of June 2023.

*Karen L. Litkovitz*

Karen L. Litkovitz  
United States Magistrate Judge

